

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JEAN BERNIER, 29463-054,

Plaintiff,

v.

DECISION AND ORDER
15-CV-209A

KOENIGSMANN, ET AL.,

Defendant.

This case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On February 15, 2017, Magistrate Judge Scott filed a Report and Recommendation (Dkt. No. 49), recommending that Defendants' motion to revoke Plaintiff's *in forma pauperis* status (Dkt. No. 29) be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, Defendants' motion to revoke Plaintiff's *in forma pauperis* status is granted. The portion of Plaintiff's complaint that remains pending in this District shall be dismissed, without further order, if Plaintiff does not pay the filing fee of \$400.00 by **May 23, 2017**.

The Clerk of Court is directed to close this case if Plaintiff fails to pay the filing fee of \$400.00 by **May 23, 2017**.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: March 16, 2017